

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 490 OF 2022
IN
WRIT PETITION NO. 2748 OF 2021**

Ahsaan Latafat Shaikh ...Applicant/Petitioner
vs.
The State of Maharashtra and Anr. ...Respondents

Dr. Shehzad Naqvi i/by Shilpa Sharma - Advocate for the
Applicant/Petitioner
Mr. K. V. Saste – APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 16th MARCH, 2022

P. C. :-

1. By way of present application, the Applicant-Petitioner pray for restoration of Petition.
2. By inviting our attention to Order of this Court dated 21/12/2021, the learned counsel for the Applicant-Petitioner submitted before this Court that the dismissal of Writ petition was for non-prosecution and then submitted that date of listing of the matter was not made known to the Applicant-Petitioner. The counsel for bonafide reasons failed to attend the matter on a scheduled date.
3. The absence of the counsel was for bonafide and genuine reasons.

As such, the Order of dismissal of the Petition be set aside and Petition be restored to its file, is the submission of the learned counsel.

4. The learned counsel further submitted that the Petitioner is ready to abide any condition to show his bonafides in restoration of Petition. The counsel then submitted that parties to the Petition have settled the dispute amicably and terms of settlement are also placed on record alongwith affidavit of Respondent No. 2.

5. Thus, counsel for the Petitioner submits that the Petition itself can be disposed of by giving one opportunity to the parties so as to remain present before this Court affirming their amicable settlement of the dispute.

6. In view of the submission of learned counsel, the Application is allowed and Petition is restored to its file subject to condition that the Petitioner-Applicant should deposit amount of Rs. 5000/- towards in the account of High Court Bar Library within one week from today.

7. Post the Writ Petition No. 2748 of 2021 for Order of disposal on 28/03/2022.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)